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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

|                                      |   |
|--------------------------------------|---|
| KIMBERLY ALLEN, Personal             | )                                       |
| Representative of the Estate of TODD | ) Case No. 3:04-CV-0131-JKS             |
| ALLEN, Individually, on behalf of    | )                                       |
| the Estate of TODD ALLEN, and on     | ) <b>AFFIDAVIT OF DONNA J. McCREADY</b> |
| behalf of the Minor Child, PRESLEY   | ) <b>IN SUPPORT OF</b>                  |
| GRACE ALLEN,                         | ) <b>MOTION FOR SHORTENED TIME</b>      |
|                                      | ) <b>REGARDING JOINT MOTION TO</b>      |
| Plaintiff,                           | ) <b>EXTEND THE DEADLINE FOR THE</b>    |
|                                      | ) <b>FILING THE COMPREHENSIVE</b>       |
| vs.                                  | ) <b>PROPOSED PRETRIAL ORDER</b>        |
|                                      | )                                       |
| UNITED STATES OF AMERICA,            | )                                       |
|                                      | )                                       |
| Defendant.                           | )                                       |
|                                      | )                                       |
| STATE OF WASHINGTON                  | )                                       |
|                                      | ) ss:                                   |
| COUNTY OF KITSAP                     | )                                       |

DONNA J. McCREADY, being first duly sworn upon oath, deposes and states:

AFFIDAVIT OF DONNA J. McCREADY IN SUPPORT OF  
MOTION FOR SHORTENED TIME REGARDING THE JOINT  
MOTION TO EXTEND THE DEADLINE FOR THE FILING OF  
THE COMPREHENSIVE PROPOSED PRETRIAL ORDER  
*Allen v. USA*, Case No. 3:04-CV-0131-JKS  
Page 1 of 3

**FRIEDMAN, RUBIN & WHITE**  
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1 1. I am the attorney representing Plaintiff in the above-entitled action.

2 2. Counsel for the defendant, Gary Guarino, and I have met over the phone and are  
3 in the process of working on the Comprehensive Proposed Pretrial Order.

4 3. Both Mr. Guarino and I have been unable to complete the pretrial order because  
5 we have been preparing for trial in this matter, including taking the trial testimony in the last  
6 ten days of two of plaintiff's experts. These experts were located in Concord, Massachusetts  
7 and Houston, Texas.

8 4. Both counsel have had other litigation responsibilities involving other cases.

9 5. Mr. Guarino and I discussed the fact that he will be out of his office the week of  
10 May 28 traveling and attending a seminar at the federal National Advocacy Center in South  
11 Carolina.

12 6. We have agreed to have this Joint Motion to Extend the Deadline for the Filing  
13 of the Comprehensive Proposed Pretrial Order decided by the Court on shortened time.

14 FURTHER YOUR AFFIANT SAITH NAUGHT.

15 DATED: \_\_\_\_\_

By: /s/ Donna J. McCready

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17 Bremerton, Washington 98337  
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**CERTIFICATE OF SERVICE**

I certify that on the 25 May 2007, a copy of the foregoing Affidavit of Donna J. McCready in Support of Joint Motion to Extend the Deadline for the Filing of the Comprehensive Proposed Pretrial Order was served electronically on:

Gary M. Guarino  
Assistant U.S. Attorney  
Office of the U. S. Attorney  
222 W. 7<sup>th</sup> Ave., #9  
Anchorage, AK 99513-7567

/s/ Donna J. McCready

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